

COUNTY NOTICES OF PROPOSED RULEMAKING
Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)

MARICOPA COUNTY
ENVIRONMENTAL SERVICES DEPARTMENT - AIR QUALITY DIVISION

1. **Heading and number of the proposed rule, ordinance, or other regulation:**

Rule 200 (Permit Requirements)
Rule 360 (New Source Performance Standards)
Rule 370 (Federal Hazardous Air Pollutant Program)

2. **Summary of the proposed rules, ordinances or other regulation:**

Maricopa County fails to meet the national ambient air quality standards (NAAQS) for carbon monoxide, ozone, and particulates. The proposed revisions to Rule 200 (Permit Requirements), Rule 360 (New Source Performance Standards), and Rule 370 (Federal Hazardous Air Pollutant Program) implement control measures included in the (Arizona) State Implementation Plan (SIP) for the Maricopa County Nonattainment Area. The submission of these rule revisions to the Environmental Protection Agency (EPA) following the Board's approval will complete the SIP revision submittal for each control measure. Following EPA approval, these rules will become part of the SIP and will be subject to federal enforcement under Section 113 of the Clean Air Act.

Maricopa is the only ozone nonattainment area in Arizona. Maricopa County may adopt rules that are more stringent than the State pursuant to Arizona Revised Statutes (ARS) § 49-112 as enacted in 1994 provided that the emission standard is required by law or is necessary and feasible to prevent a significant threat to public health or the environment that results from a unique local condition.

Rule 200 (Permit Requirements)

Maricopa County is proposing to revise Rule 200 (Permit Requirements) in order to incorporate Operation And Maintenance Plan provisions and in order to incorporate changes that will allow Rule 200 to be more understandable.

Rule 360 (New Source Performance Standards)

Maricopa County is proposing to update the references to federal standards in this rule in order to more fully implement the Clean Air Act in Arizona at the same level of stringency as the federal government and the Arizona Department of Environmental Quality. This update will advance all New Source Performance Standards (NSPS) references to 40 CFR 60, through July 1, 1997.

Rule 370 (Federal Hazardous Air Pollutant Program)

Maricopa County is proposing to update the references to federal standards in this rule in order to more fully implement the Clean Air Act in Arizona at the same level of stringency as the federal government and the Arizona Department of Environmental Quality. This update will advance all National Emission Standards for Hazardous Air Pollutants (NESHAP) references to 40 CFR 61 and 40 CFR 63, through July 1, 1997. The proposed update also includes the addition of 8 additional Subparts promulgated by the United States Environmental Protection Agency (EPA). These additional Subparts include:

Part 63, Subpart U – National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins [Added at 61 FR 46906, September 5, 1996] - This regulation covers organic hazardous air pollutants (HAPs) from the EPA's list of 189 HAPs emitted during the manufacture of 1 or more elastomers and which have the potential for reduction by implementation of the standard; styrene; n-hexane; 1,3-butadiene, acrylonitrile, methyl chloride, hydrogen chloride, carbon tetrachloride, chloroprene, and toluene.

Part 63, Subpart DD – National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations [Added at 61 FR 34158, July 1, 1996] - These regulations apply to specific types of facilities determined to be major sources of HAP emissions. The rule requires the use of maximum achievable control technology (MACT) to reduce the HAP emissions.

Part 63, Subpart OO – National Emission Standards for Tanks--Level 1 [Added at 61 FR 34158, July 1, 1996] - These regulations apply to specific types of facilities determined to be major sources of HAP emissions. The rule requires the use of maximum achievable control technology (MACT) to reduce the HAP emissions.

Part 63, Subpart PP – National Emission Standards for Containers [Added at 61 FR 34158, July 1, 1996] - These regulations apply to specific types of facilities determined to be major sources of HAP emissions. The rule requires the use of maximum achievable control technology (MACT) to reduce the HAP emissions.

Part 63, Subpart QQ – National Emission Standards for Surface Impoundments [Added at 61 FR 34158, July 1, 1996] - These regulations apply to specific types of facilities determined to be major sources of HAP emissions. The rule requires the use of maximum achievable control technology (MACT) to reduce the HAP emissions.

Part 63, Subpart RR – National Emission Standards for Individual Drain Systems [Added at 61 FR 34158, July 1, 1996] - These regulations apply to specific types of facilities determined to be major sources of HAP emissions. The rule requires the use of maximum achievable control technology (MACT) to reduce the HAP emissions.

County Notices Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)

Part 63, Subpart VV -- National Emission Standards for Oil-Water Separators and Organic-Water Separators [Added at 61 FR 34158, July 1, 1996] - These regulations apply to specific types of facilities determined to be major sources of HAP emissions. The rule requires the use of maximum achievable control technology (MACT) to reduce the HAP emissions.

Part 63, Subpart JJJ -- National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins [Added at 61 FR 48208, September 12, 1996] - This regulation covers organic hazardous air pollutants (HAPs) from the EPA's list of 189 HAPs emitted during the manufacture of 1 or more of the following Group IV polymers and resins; acrylonitrile butadiene styrene resin (ABS); styrene acrylonitrile resin (SAN); methyl methacrylate acrylonitrile butadiene styrene resin (MABS); methacrylate butadiene styrene resin (MBS); polystyrene resin, poly ethylene terephthalate resin (PET), and nitrile resin.

3. **A demonstration of the grounds and evidence of compliance with A.R.S. § 49-112(A) or A.R.S. § 49-112(B):**

Based on information and belief, the Control Officer of the Maricopa County Environmental Services Department affirms the following:

A. Maricopa County is in compliance with A.R.S. § 49-112(A) in that Maricopa County Environmental Services Department is proposing to adopt rules that are not more stringent than nor are in addition to a provision of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone and particulates. In addition, Maricopa County is the only ozone nonattainment area in Arizona. Any changes to the Maricopa County Air Pollution Control Regulations that might incur due to revisions to Rule 200, Rule 360, and Rule 370 will address emission limitations which reduce concentrations of ozone and implement control measures proposed for inclusion in the State Implementation Plan (SIP) for the Maricopa County Nonattainment Area.

B. Maricopa County is in compliance with A.R.S. § 49-112(B) in that Maricopa County Environmental Services Department is proposing to adopt rules that are as stringent as a provision of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49. The cost of obtaining permits or other approvals from Maricopa County will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under Title 49 or any rule adopted pursuant to Title 49.

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone and particulates. In addition, Maricopa County is the only ozone nonattainment area in Arizona. Maricopa County may adopt rules that are more stringent than the State pursuant to A.R.S. § 49-112 as enacted in 1994, provided that the emission standard is required by law or is necessary and feasible to prevent a significant threat to public health or the environment that results from a unique local condition.

4. **Name and address of the person to whom persons may address questions or comments:**

Name: Johanna Kuspert, Air Quality Planner (Rule 200)
Or
Anne Blech, Air Quality Planner (Rules 360 and 370)
Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue, #201
Phoenix, Arizona 85004
Telephone: Johanna Kuspert (602) 506-6710 or Anne Blech (602) 506-6138
Fax: (602) 506-6179

5. **Where persons may obtain a full copy of the proposed rule, ordinance, or other regulation:**

Location: Maricopa County Environmental Services Department
Address: Air Quality Division
1001 North Central Avenue, #201
Phoenix, Arizona 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179

**NOTICE OF PUBLIC WORKSHOP
Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)**

**MARICOPA COUNTY
ENVIRONMENTAL SERVICES DEPARTMENT - AIR QUALITY DIVISION**

1. **Heading and number of the proposed rules, ordinance, or other regulations that are the subject to the public workshops:**

Rule 200 (Permit Requirements)
Rule 360 (New Source Performance Standards)
Rule 370 (Federal Hazardous Air Pollutant Program)

County Notices Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)

2. Date, time, and location of public workshops scheduled:

Dates: Public Workshop #1: Thursday, March 5, 1998
Public Workshop #2: Thursday, April 16, 1998
Time: 9 a.m.
Location: Maricopa County Environmental Services Department
1001 North Central Avenue, 5th Floor Conference Room
Phoenix, Arizona

Nature Of Public Workshops: To discuss the above listed rules.

3. County personnel to whom questions and comments may be addressed:

Name: Johanna Kuspert, Air Quality Planner (Rule 200)
Or
Anne Blech, Air Quality Planner (Rules 360 and 370)
Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue #201
Phoenix, Arizona 85004
Telephone: Johanna Kuspert (602) 506-6710 or Anne Blech (602) 506-6138
Fax: (602) 506-6179

4. Any other pertinent information concerning the above described rules, ordinance, or other regulations:

Please refer to the County Notice Of Proposed Rules which immediately precedes this Notice of Public Workshop.